



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

August 21, 1996

Ms. Lan P. Nguyen  
Assistant City Attorney  
City of Houston  
P.O. Box 1562  
Houston, Texas 77251-1562

OR96-1510

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under the Open Records Act, chapter 552 of the Government Code. Your request was assigned ID#100630.

The City of Houston (the "city") received a request for "all information on the Houston Cyclospora investigation." You assert that portions of the requested information are excepted from required public disclosure based on section 552.101 of the Government Code, which excepts from public disclosure information that is confidential by law, including information that is made confidential by statute. You raise section 81.046 of the Health and Safety Code. That provision reads in part as follows:

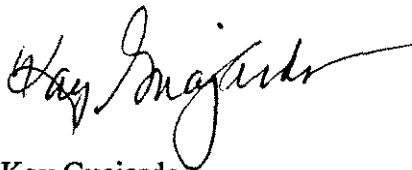
- (a) Reports, records, and information furnished to a health authority or the [D]epartment [of Health] that relate to cases or suspected cases of diseases or health conditions are confidential and may be used only for the purposes of this chapter.
- (b) Reports, records, and information relating to cases or suspected cases of diseases or health conditions are not public information, under Chapter 552, Government Code, and may not be released or made public on subpoena or otherwise except as provided by Subsection (c) and (d).

Subsection (c) and (d) authorize the release of certain epidemiological information to certain parties under certain conditions. You say these subsections do not apply to the request at hand. You inform us that the requested epidemiological reports were prepared by the Houston Health Department in compliance with section 81.047 of the Health and Safety Code. Section 82.047 states that the Texas Department of Health "shall require epidemiological reports of disease outbreaks and of individual cases of disease suspected or known to be of importance to the public health."

We believe section 81.046(a) applies to the records at issue. Consequently, those records are confidential and may be used only for purposes of chapter 81 of the Health and Safety Code, the Communicable Disease Prevention and Control Act. You provide no reason that the release of the requested reports in this instance is for purposes of chapter 81. Consequently, we conclude that the city must withhold the requested records from the requestor pursuant to section 552.101 of the Government Code as information made confidential by statutory law.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Kay Guajardo  
Assistant Attorney General  
Open Records Division

KHG/rho

Ref.: ID# 100630

Enclosures: Submitted documents

cc: Ms. Teresa Thorne and Ms. Cindy Jewell  
California Strawberry Commission  
P.O. Box 269  
Watsonville, California 95077  
(w/o enclosures)